

**STATE OF NEW MEXICO'S FY 2019 RULE 71.3 REPORT
PECOS ADJUDICATION BUREAU**

Matters To Be Completed Prior to Preparation of Final Decree
(Highlighting indicates the State's priorities for fiscal year 2019.)

Total Bureau Staff and Contractor Resources:

FY 2010 12.65;
FY 2011 10.20;
FY 2012 9.15;
FY 2013 7.95;
FY 2014 9.35;
FY 2015 8.50;
FY 2016 10.65;
FY 2017 6.9;
FY 2018 5.25;
FY 2019 3.45

I. PECOS ADJUDICATION

(Total STAFF & CONTRACT RESOURCES: ~~12.65 10.20 9.15 7.95 9.35 8.5 6.95 5.25~~ ~~3.45~~)

A. Gallinas River (~~6.10 3.85 3.75 4.60 4.10 3.51 2.45 1.35 3.05~~ ~~1.70~~)

1. ~~Update of hydrographic survey for unadjudicated surface water irrigation subfiles.~~ Completed FY 2010
2. ~~Primary subfile work.~~ Completed FY 2010
3. ~~Acequia motions to intervene in individual subfiles.~~ Completed FY 2010
4. ~~Show cause proceedings for no rights.~~ Completed FY 2010
5. ~~Omitted claims as required by procedural order.~~ Completed FY 2010
6. ~~Acequia motion regarding irrigation water requirements.~~ Completed FY 2011
7. ~~Defendant motions to reopen subfile orders.~~ Completed FY 2011
8. ~~Acequias' claims to surface water rights~~ Completed FY 2012
9. ~~Non subfile general motion litigation (e.g. procedural, scheduling and standing issues).~~ Completed FY 2013
10. ~~Litigation of subfiles contested on issues other than acreage.~~ Completed FY 2013
11. ~~Mediation of contested subfiles – disputed acreage claims only~~ – Completed 2014
12. ~~Litigation of contested subfiles – disputed acreage claims only.~~ – Completed 2017
13. ~~Determination of Project Diversion Requirement~~ Completed FY 2014
14. ~~Resolution of Acequias' motion regarding priority dates.~~ Completed FY 2014
15. **Reconciliation of maps and orders for *inter se*. **FY 2018 (Dec. 2017)****
16. ***Inter se* proceeding and entry of partial final judgment and decree (pending appeal of litigated subfile).**
17. **Appeal of litigated subfile to New Mexico Court of Appeals.** (briefed, waiting decision)

B. Roswell Underground Water Basin ("RAB") (~~0.50 0.20 0.00 0.10 2.85 2.13 1.55 1.25~~
~~1.30 1.40~~)

Attachment B

Page 1 of 5

1. ~~Defendant motions to reopen subfile orders in Pecos Supplemental.~~ Completed FY 2010
2. ~~Mendenhall claim.~~ Completed FY 2010
3. ~~Review of 1000+ PVACD relation back claims to determine adjudication status.~~ Completed FY 2013
4. Non subfile general motion litigation (e.g. procedural, scheduling and standing issues.)
5. Primary subfile work
 - i. Identification of water rights subject to relation back claims.
 - ii. Determination of current status of water right.
 - iii. Identification of owners of water rights subject to relation back claims.
 - iv. Development of proposed procedural order.
 - iv. Notification of relation back proceeding to claimants.
6. Litigation of contested relation back claims.

C. City of Las Vegas Remand Proceeding to Determine the City's Equitable Water Right
(0.25 0.05 0.05 0.05 0.03 0.05 0.05 0.05; 0.05 .15)

1. ~~Mediation among CLV, acequias, and State related to remand.~~ Mediation ceased FY 2011
2. ~~Issues of parties and notice of possible settlement.~~ Mediation ceased FY 2011
3. ~~Issues arising from implementation of possible settlement.~~ Mediation ceased FY 2011
4. ~~Issues of form and enforcement of final order on remand.~~ Mediation ceased FY 2011
5. Litigation of City's Claim (parties include the City, the Acequias and the State)
Special Master's Report Completed FY 2018; issued March, 2018
Briefing on Special Master Report Sept. 2018;
settlement discussions between City and the Acequias Completed FY 2018

D. Carlsbad Irrigation District (2.00 1.20 1.15 1.45 1.35 0.92 0.55)

1. ~~Litigation of contested subfile (1 remaining).~~ Completed FY 2010
2. ~~State motions to amend multiple consent orders~~ Completed FY 2010
3. ~~Reconciliation of previously adjudicated acreage with CID assessed acreage.~~ Completed FY 2010
4. ~~State motion to amend supplemental groundwater right priority dates.~~ Completed FY 2011
5. ~~State motion to amend acreage in multiple subfiles to conform to 1927 permit.~~ Completed FY 2010
6. ~~Adjudication of supplemental rights~~ Completed FY2015
7. ~~Reconciliation of maps and orders for *inter se*.~~ Completed FY 2016
8. ~~Section *inter se* and partial final decree~~— Completed FY 2017

E. Upper Pecos Surface Water ("Cow Creek") (0.00 2.15 2.65 0.45 1.0 1.64 2.8)

1. ~~Hydrographic survey of surface water uses in the Upper Cow Creek subsection.~~ Completed FY2015
2. ~~Preparation of hydrographic survey report.~~ Completed FY2015
3. Non-subfile general motion litigation (e.g. procedural, scheduling and standing issues)
4. Primary subfile work ; Service of Consent Orders.
5. Litigation of contested subfiles—disputed acreage claims only.

6. Hydrographic survey of surface water uses in remaining unsurveyed tributaries of the Upper Pecos.
7. Primary subfile work for remaining unsurveyed areas.
8. Litigation of contested subfiles—disputed acreage claims only for remaining unsurveyed areas.
9. Litigation of all subfiles contested on issues other than acreage.
10. Reconciliation of maps and orders for *inter se*.
11. Section *inter se* and partial final decree.

F. Hondo Stream System and Underground Water Basin (0.00 0.65 0.65 0.55 0.02 0.05 0.05 .20)

1. QA-QC review of 685 subfiles and update database.
2. Federal proprietary claims.
3. Mescalero Apache claims on Rio Felix.
4. Reconciliation of maps and orders for *inter se*.
5. Section *inter se* and partial final decree.

G. Upper Pecos Groundwater (0.00 1.65 0.35 0.35 0.00 0.85 .85)

1. Completion of hydrographic survey of Upper Pecos ground water uses including expansion areas.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Primary subfile work.
4. Ligation of contested subfiles—disputed acreage claims only.
5. Litigation of subfiles contested on issues other than acreage.
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree.

H. Fort Sumner Irrigation District (0.85 0.55 0.50 0.40 0.0 0.2 0.05)

1. ~~Determination of irrigated acreage and assessed acreage.~~ Completed FY 2010
2. Analysis of potential approaches to irrigation district adjudication.
3. Negotiation/determination of irrigation water requirements.
4. Primary subfile work.
5. Litigation of contested subfiles.
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree.

I. Carlsbad Underground Water Basin (2.95 0.00 0.00)

1. Hydrographic survey of groundwater uses.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Primary subfile work.
4. Ligation of contested subfiles.
5. Reconciliation of maps and orders for *inter se*.
6. Section *inter se* and partial final decree.

J. Black River

Attachment B

State of New Mexico's Rule 71.3 Report – FY 2019
Pecos Adjudication Bureau

Page 3 of 5

1. Hydrographic survey of surface water uses.
2. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
3. Irrigation water requirements.
4. Primary subfile work.
5. Litigation of contested subfiles.
6. Reconciliation of maps and orders for *inter se*.

K. Peñasco Underground Water Basin

1. Hydrographic survey of surface and groundwater uses in Upper Peñasco.
2. Updated hydrographic survey of surface and groundwater uses in Lower Peñasco, including but not limited to Bluewater Creek and Agua Chiquito.
3. Mescalero Apache water rights on Rio Peñasco.
4. Irrigation water requirements.
5. Primary subfile work.
6. Litigation of contested subfiles.
7. Reconciliation of maps and orders for *inter se*.
8. Section *inter se* and partial final decree.

L. Pecos Miscellaneous

1. Hydrographic survey of surface and groundwater.
2. Primary subfile work.
3. Litigation of contested subfiles.
4. Irrigation water requirements.
5. Non-subfile general motion litigation (*e.g.* procedural, scheduling and standing issues).
6. Reconciliation of maps and orders for *inter se*.
7. Section *inter se* and partial final decree

PECOS ADJUDICATION BUREAU – PRIORITY ADJUDICATION SECTIONS & RESOURCES ALLOCATED

Adjudication Section	Staff Atty	Contract Atty	Staff Paralegal	Contract Paralegal	Survey Staff	Data Staff	Section Totals
A. Gallinas River	.55	.20	.40	-		.30	1.70
B. Roswell Underground Water Basin (RAB)	.55	.65	.20				1.40
C. Las Vegas Remand	.05	.05	.05				.15
D. Carlsbad Irrigation District							
E. Upper Pecos Surface Water ("Cow Creek")							
F. Hondo Underground Water Basin	.05	.10	.05				.20
G. Upper Pecos Underground Water							
H. Fort Sumner Irrigation District							
I. Carlsbad Underground Water Basin							
J. Black River							
K. Penasco Underground Water Basin							
L. Pecos Miscellaneous							
Category Totals – All Sections	1.20	1.00	.70		.25	.30	3.45

Attachment B

Page 5 of 5

State of New Mexico's Rule 71.3 Report – FY 2019
Pecos Adjudication Bureau